

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of May 20, 2009. Claims 1, 3, 5, 6, 8, 12, 14, 18 and 20 have been amended. Claims 4, 7, 13, and 19 have been canceled. Claims 1-3, 5, 6, 8-12, 14-18 and 20 remain in this application.

The limitations of claim 7 were incorporated into claim 6 and claim 7 was canceled. The limitations of claim 13 were incorporated into claim 12 and claim 13 was canceled. The limitations of claim 19 were incorporated into claim 18 and claim 19 was canceled.

Reconsideration of the Application is requested.

### **The Office Action**

The Examiner indicated claims 7-8, 13-14 and 19-20 would be allowable if rewritten into independent form to include all of the limitations of the intervening claims.

The Examiner rejected independent claims 1, 9 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer in view of U.S. Patent No. 6,111,947 to Galgano, Jr. The Examiner stated Galgano teaches configuring said system in a configuration file, said configuring including defining dependencies between said plurality of processes and defining a priority for each of said plurality of processes. Applicant respectfully disagrees. Galgano teaches "the BOSS component reads configuration files to determine which process to start, how to start the processes..." Galgano does not teach the use of a single configuration file that defines dependencies between said plurality of processes and a priority for each of said plurality of processes. The BOSS system must read through several configuration files is similar to the drawback of the prior art discussed in paragraph [0007] of the Background of the Invention as well as paragraph [0033] which also discusses how the embodiment claimed in claim 1 solves this drawback. The combination of Ezerzer and Galgano does not solve the problem of making appropriate configuration changes more simple and easy to implement as does the embodiment claimed in claim 1. For this reason, claim and claims depending therefrom patentably distinguish over Ezerzer in view of Galgano.

Similarly, independent claims 9 and 15, as well as claims depending therefrom,

patentably distinguish over Ezerzer in view of Galgano for reasons similar to that discussed above with regard to claim 1.

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Ezerzer in view of Galgano, Jr. and further in view of U.S. Publication No. 2005/0021567 to Holenstein. Amended claim 3 now includes the limitations of claim 4. The Examiner stated Ezerzer fails to teach "defining selected processes of said plurality of processes as load sharing run status, wherein both copies of the selected process run and actively handle requests, sharing the overall load" as claimed in claim 4, now amended claim 3. The Examiner however, stated Holenstein discloses "... "hot" or load-sharing standby state to enable replication of the primary system in case of the failure of the primary system." However, neither reference either alone or in combination teaches or suggests "wherein both copies of the selected process run and actively handle requests, sharing the overall load" as claimed. The load-sharing process in Holenstein is a standby process and does not actively handle requests thereby sharing the overall load as claimed. Therefore claim 3 patentably distinguishes over Ezerzer in view of Galgano and further in view of Holenstein.

### **CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-3, 5, 6, 8-12, 14-18 and 20) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

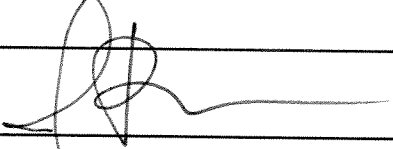
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

August 20, 2009  
Date

  
\_\_\_\_\_  
Patrick D. Floyd, Reg. No. 39,671  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, Ohio 44115-1843  
216.363.9000

<b>Certificate of Mailing or Transmission</b>	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop None, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
<input checked="" type="checkbox"/> transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: 
Date: August 20, 2009	Name: Jessica R. Boyd